



DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0199]

[Docket No. 2019-0003; Sequence No. 28]

**Information Collection; Prohibition on Contracting for
Certain Telecommunications and Video Surveillance Services
or Equipment**

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on an extension concerning prohibition on contracting for certain telecommunications and video surveillance services or equipment. OMB has approved this information collection for use through February 29, 2019. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by **[Insert date 60 days after date of publication in the *Federal Register*.]**

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection by either of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. Go to <http://www.regulations.gov> and follow the instructions on the site.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street, NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 9000-0199, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

Instructions: All items submitted must cite Information Collection 9000-0199, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check

www.regulations.gov, approximately two-to-three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Camara Francis, Procurement Analyst, at telephone 202-550-0935, or *camara.francis@gsa.gov*.

ADDRESSES: Submit comments identified by Information Collection 9000-0199; Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment, by any of the following methods:

- Regulations.gov: *http://www.regulations.gov*. Submit comments via the Federal eRulemaking portal by searching for the OMB Control number 9000-0199. Select the link "Comment Now" that corresponds with "Information Collection 9000-0199; Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment". Follow the instructions on the screen. Please include your name, company name (if any), and "Information Collection 9000-0199; Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment."

• Mail: General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street, NW,

Washington, DC 20405-0001. ATTN: Ms. Mandell/IC 9000-0199; Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

Instructions: Please submit comments only and cite Information Collection 9000-0199; Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment, in all correspondence related to this collection. Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check www.regulations.gov, approximately two-to-three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

SUPPLEMENTARY INFORMATION:

A. Purpose

The Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.) provides that an agency generally cannot conduct or sponsor a collection of information, and no person is required to respond to, nor be subject to, a penalty for failure to comply with a collection of information, unless that collection has obtained Office of

Management and Budget (OMB) approval and displays a currently valid OMB Control Number.

DoD, GSA, and NASA requested and OMB authorized emergency processing of an information collection involved in this rule, as OMB Control Number 9000-0199 (FAR case 2018-017), from the provision at FAR 52.204-24, Representation Regarding Certain Telecommunications and Video Surveillance Services and the clause at FAR 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment, consistent with 5 CFR 1320.13. DoD, GSA, and NASA have determined the following conditions have been met:

a. The collection of information is needed prior to the expiration of time periods normally associated with a routine submission for review under the provisions of the Paperwork Reduction Act, in view of the deadline for this provision of the NDAA which was signed into law in August 2018 and requires action before the prohibition goes into effect on August 13, 2019.

b. The collection of information is essential to the mission of the agencies to ensure the Federal Government does not purchase prohibited equipment, systems and

services, and can respond appropriately if any such purchases are not identified until after delivery or use.

c. The use of normal clearance procedures would prevent the collection of information from contractors, for national security purposes.

This requirement supports implementation of Section 889 of Title VII of the National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232). This section prohibits agencies from procuring, obtaining, extending or renewing a contract to procure or obtain any equipment, system, or service that uses covered telecommunication equipment or services as a substantial or essential component of any system, or as a critical technology as part of any system on or after August 13, 2019 unless an exception applies.

This requirement is implemented in the Federal Acquisition Regulation (FAR) through the provision at FAR 52.204-24, Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment and the clause at FAR 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

This clearance covers the following requirements:

- FAR 52.204-24 requires an offeror to represent whether

they will provide any covered telecommunications equipment or services and if so, describe in more detail the use of the covered telecommunications equipment or services; and

- FAR 52.204-25 requires contractors to report covered

telecommunications equipment, systems and services identified during performance of a contract.

DoD, GSA, and NASA request approval of this information collection in order to implement the law. The information will be used by agency personnel to identify and remove prohibited equipment, systems, or services from Government use. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor.

A notice was published in the *Federal Register* at 84 FR 40216, on August 13, 2019, as a part of an interim rule under FAR Case 2018-017, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

A. Annual Reporting Burden:

52.204-25:

Total number of respondents: 190,446.

Average responses per respondent: 41.25.

Total Responses: 7,855,881.

Average burden hours per response: .105.

Total burden hours: 821,274.

The public reporting burden for this collection of information consists of completing the representation, which is estimated will take an average of 5 minutes (.08333 hours) per response if additional detail is not necessary. If additional detail is necessary, completing the representation is estimated will take an average of three hours per response. The average total burden hours per total responses is estimated to average .105 burden hours per response, including time time to complete the representation and provide the additional detail.

B. Annual Reporting Burden

52.204-25:

Number of Respondents: 4,761.

Responses per Respondent: 5.

Total Responses: 23,805.

Average Burden Hours Per Response: 1.5.

Total Burden Hours: 35,708.

The public reporting burden for this collection of information consists of reports of identified covered telecommunications equipment, systems and services during contract performance as required by 52.204-25. Reports are estimated to average 1.5 hour per response, including the time for reviewing definitions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the report.

C. Public Comments

DoD, GSA, and NASA invite comments on: whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

OBTAINING COPIES OF PROPOSALS: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street, NW, Washington, DC 20405,

telephone 202-501-4755. Please cite OMB Control No. 9000-0199, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment, in all correspondence.

Dated: October 3, 2019

Janet Fry,
Director,
Federal Acquisition Policy Division,
Office of Governmentwide Acquisition Policy,
Office of Acquisition Policy,
Office of Governmentwide Policy.

BILLING CODE: 6820-EP

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